

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1, 5, 7, 9, 12, 14, 16 and 18-22. Claims 1, 7, 9, 12, 16, 18 and 20 are amended herein. No new matter is presented.

Support for the amendments can be found at least in FIGS. 7, 8 and description on page 18 lines 23 to page 19 lines 3 of the Specification as filed.

Claims 10 and 11 remain withdrawn, and claims 2-4, 6, 8, 13, 15 and 17 remain cancelled.

Thus, claims 1, 5, 7, 9, 12, 14, 16 and 18-22 are pending and under consideration. The rejections are traversed below.

**REJECTION UNDER 35 U.S.C. § 101:**

Claims 7, 9 and 16 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

At item 4 of the outstanding Office Action, the Examiner indicates that the Specification defines the claimed computer readable medium as encompassing statutory media such as "floppy disk", "hard disk", "magneto-optic disk", etc., as well as a non-statutory subject matter such as a "carrier wave."

Applicants respectfully submit that the Specification defines both a "computer recording medium" and a "data communication signal embodied in carrier wave" (page 28 of the Specification), however the invention of claims 7, 9 and 16 (i.e., the current claims) is directed to a "computer recording medium" embodying program(s) readable by a computer, which is a statutory subject matter.

At item 5 of the outstanding Office Action, the Examiner indicated that claims 7, 9 and 16 define a storage medium embodying functional descriptive material, however the claims do not define a computer-readable medium or memory. Claims 7 and 9 are amended herein to recite, "computer-readable storage medium" (claim 16 already recites, "computer-readable storage medium"). It is therefore respectfully submitted that claims 7, 9 and 16 are directed to a statutory subject matter.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112:**

Claim 20 was rejected under 35 U.S.C. § 112 as being indefinite. By this Amendment, claim 20 has been amended and no longer includes the language in the form rejected by the Examiner. The amendment is supported by at least FIG. 5 and FIG. 7 of the present application.

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 102(e):**

Claims 1, 7, 12 and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,538,698 (Anderson).

Claim 1, as amended, recites "a screen [having] a first display area displaying an image from an image acquisition device, and a second display area displaying a sequence of images", the screen including "a number display area displaying a number of the generated image data, and "renumbering the number of the generated image data responsive to an operation command relocating an order within the sequence of images." Applicants respectfully submit that Anderson does not disclose or suggest at least this feature of claim 1. See also claims 7 and 12 reciting similar features.

Instead, Anderson determines if sorting criteria is set in advance for previously stored images and provides a grouping arrangement of the images that meet the criteria (see, col. 5, lines 33-40). The Anderson sort criteria such as category name and date of capture is preset (i.e., predetermined categorical sorting) and only pertain to previously stored images, and thus Anderson does not teach or suggest renumbering "a number" of the image data generated "when detecting the photographing instruction" within "displayed sequence of images", as recited in the claims of the present application.

The displayed text (708) in Anderson only specifies a number permanently assigned to the image when the image was captured, and does not teach or suggest "renumbering the number of the generated image data responsive to an operation command relocating an order within the sequence of images", as recited in claim 1. Independent claims 7 and 12 recite similar features.

Therefore, Anderson does not disclose or suggest at least the feature of "renumbering the number of the generated image data responsive to an operation command relocating an order within the sequence of images" displayed. Accordingly, Anderson does not disclose every element of the Applicants' independent claims 1, 7 and 12. In order for a reference to anticipate

a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Anderson does not disclose the features recited in independent claims 1, 7 and 12, as stated above, it is respectfully submitted that independent claims 1, 7 and 12 patentably distinguish over Anderson.

Claims depending from the independent from claims 1 and 12 and include all of the features of that claim plus additional features which are not disclosed by Anderson.

The dependent claims are also independently patentable. For example, as recited in claim 20, "the second display area simulates a configuration of a real film including a sequence of frames of the images, side belt parts along both sides of the sequence of the frames, and partitions dividing a frame from a next frame." The series of displayed thumbnails in Anderson does not teach or suggest a second display area that "simulates a configuration of a real film including a sequence of frames of the images, side belt parts along both sides of the sequence of the frames, and partitions dividing a frame from a next frame", as recited in claim 20 (see also claim 1 upon which claim 20 depends).

Therefore, withdrawal of the rejection is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 103(a):**

Claims 5, 9, 14, 18, 19, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: Anderson, U.S. Patent No. 5,943,050 (Bullock), U.S. Patent No. 6,734,909 (Terance), U.S. Patent No. 5,923,908 (Schrock), U.S. Patent No. 6,317,141 (Pavley) and U.S. Patent No. 5,859,623 (Meyn).

As discuss above, claims 1, 7 and 12 patentably distinguish over Anderson. For at least the same reasons, claims 5, 9, 14, 19, 21 and 22 depending from claims 1, 7 or 12 are distinguishable over Anderson. Further, as Bullock merely discusses a computer connected to digital image capture camera, Bullock does not cure the deficiencies of Anderson regarding the claims of the present application.

In particular, Bullock is directed to an image capture session utilizing a computer assisted instant digital image capture device for producing instant feedback of captured images by displaying the images in the order in which they were taken (see, col. 4, lines 45-50, col. 6, lines 3-6, and col. 10, lines 7-10).

Terance is directed to a scene advance function where a scene number from the oldest image to the newest image is sequentially allotted (see, col. 6, lines 40-45 and Fig. 2C), and

thus does not teach or suggest “the second display area includes the number display area” (claim 19) indicating an order of an image within the sequence of images as managed by the user.

Meyn does not teach or suggest “moving a newly added image in a direction between said frames indicated by a user during said displaying” and “updating a display number of said images based on said moving by the user”, as recited in claim 18. Instead, Meyn merely discusses images displayed on a frame-by-frame basis in sequential order of presentation information (numbers previously assigned to slides in the sequence) (see, col. 16, lines 27-30).

Schrock and Pavley do not add to the teachings of the other references with respect to the claimed invention. Specifically, Schrock merely discusses a camera with touch sensitive control and Pavley sequential images manually numbered by a user (see, Fig. 5 of Pavley).

Independent claim 16 which appears to be only rejected under § 101 in the outstanding Office Action also recites that the generated image data is “automatically stored at a selected position of the displayed sequence of stored image data in accordance with a user’s instruction when the image is acquired.” It is respectfully submitted that none of the cited references teach or suggest these feature of claim 16. Further, claim 16 also recites similar features discussed above with respect to claims 1, 7 and 12.

Further, even assuming arguendo that the cited references disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references.

MPEP §2143.01 states that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. Absent hindsight, the record fails to provide the required evidence of a motivation for a person of ordinary skill in the art to perform the proposed modifications. In other words, an attempt to bring in the isolated teaching of the references would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole. Since there is no motivation to combine the references, it is respectfully submitted that a prima facie case of obviousness has not been established, therefore withdrawal of the rejection is requested.

In the outstanding Office Action (at least pages 8 and 11), the Examiner asserts that it is well known in the art to capture and display images from a remote image acquisition device and

to create a slideshow using images that were captured during photographing operation. Applicants respectfully submit that claimed displaying including relocating ordering of displayed images is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Thus, Applicants respectfully traverse the Examiner's statement because supporting evidence related to image display functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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